

90-292 ①

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

OCTOBER TERM 1989

LEO M. MULLEN, M.D.

PETITIONER

VS.

THE CITY OF BELTON ET AL

PETITION FOR WRIT OF CERTIORARI TO THE

COURT OF APPEALS OF MISSOURI

LEO M. MULLEN, M.D. PRO SE

4443 PASEO BLVD.

KANSAS CITY, MO. 64110

PHONE 1-816-921-5411 OR NIGHTS 1-913-362-2602

BY

  
LEO M. MULLEN, M.D. PRO SE

Supreme Court, U.S.  
FILED

JUN 11 1990

JOSEPH F. SPANIEL, JR.  
CLERK



**QUESTIONS PRESENTED FOR REVIEW:**

1. THE CASE AROSE OVER THE IMPLEMENTATION OF GENERAL OBLIGATION BONDS FOR THE SEWER PROJECT FOR THE CITY OF BELTON. ALTHOUGH THE ELECTION BALLOT SPECIFICALLY OUTLINED THAT THE SEWER BONDS WOULD BE ASSESSED AGAINST ALL TANGIBLE PROPERTY OF THE CITY OF BELTON, THE CITY OF BELTON ASSESSED ONLY THE NORTHEAST WARDS WHERE THE PLAINTIFFS OWNED SUBSTANTIAL LOTS WHICH WERE ASSESSED EXORBITANTLY AND AS THE RESULT THE PLAINTIFFS WERE SUBJECTED TO GREAT LOSSES AND HAD TO SELL AT A SACRIFICE. SEE REVISED STATUTES OF MO. SEC 95-125 MO. CONSTITUTION OF 1945 ARTICLE VI SEC. 26(d) AND REIS vs METROPOLITAN ST. LOUIS SEWER DISTRICT, 373-SW-2nd-22 (MO. 1922) MO 1963. NICHOLS vs. KANSAS CITY, MO. 237-SW 107-(MO. 1922).
2. THE TRIAL COURT ERRED AND DID NOT ALLOW TRIAL AS SHOULD HAVE BEEN SINCE THE CITY OF BELTON HAD MISREPRESENTED THE FACTS AND OBVIOUS FRAUD EXISTED. SEE: STATE OF MISSOURI VS GENERAL AMERICAN LIFE INSURANCE CO. 85-SW-2ND 68 (MO. 1935) ALSO STATE EX REL-DALTON VS METRO ST. LOUIS SEWER DISTRICT 275-SW-2ND-255 (MO 1955) ASHLEY VS METZ, 513 SW 2ND-308 MO 1974. ALSO DEFRATESS VS. K.C.MO. 521-SW 2ND-385(MO. APP. 1975).
3. THE CHIEF JUDGE IN VIOLATION OF SUPREME COURT CASES DECIDED TO DISMISS THE CASE BECAUSE OF A DEFECTIVE BRIEF AND THIS WAS ALLEGEDLY DUE TO THE FACT THE CHIEF JUDGE HAD TO BE IN SOME WAY BRIBED TO DO SUCH A THING AND PROPER ATTENTION TO CRIMINAL CHARGES SHOULD BE GIVEN THIS CASE AGAIN. THE FAILURE OF THE CHIEF JUDGE ANTHONY P. NUGENT IS IN VIOLATION OF THE CASES THAT HAVE BEEN BEFORE THE SUPREME COURT WHEREBY THE SUPREME COURT OF THE U.S.



HAS FORBIDDEN ANY CHIEF JUDGE TO DISMISS WITHOUT ALLOWING THE THREE JUDGE PANEL OF THE MO. COURT OF APPEALS W.D. TO HEAR THE CASE. THE CHIEF JUDGE ANTHONY P. NUGENT HAS BEEN INVOLVED WITH ALLEGEDLY SOME TYPE OF BRIBERY TO DO SUCH A THING AND THIS MUST BE INVESTIGATED.

4. THE SUPREME COURT OF MO HAS RECEIVED NUMEROUS REQUESTS FOR INVESTIGATION OF THIS CASE AND THAT HAS NOT HAPPENED TO THIS DATE OF THIS FILING. THE AMENDED BRIEF OF PLAINTIFFS IS ENTIRELY ADEQUATE FOR A PRO SE FILING AND COULD NOT BE REJECTED.

5. NO FACTUAL DETERMINATION HAS BEEN MADE IN THIS CASE.



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**TABLE OF AUTHORITIES AND JURISDICTION**

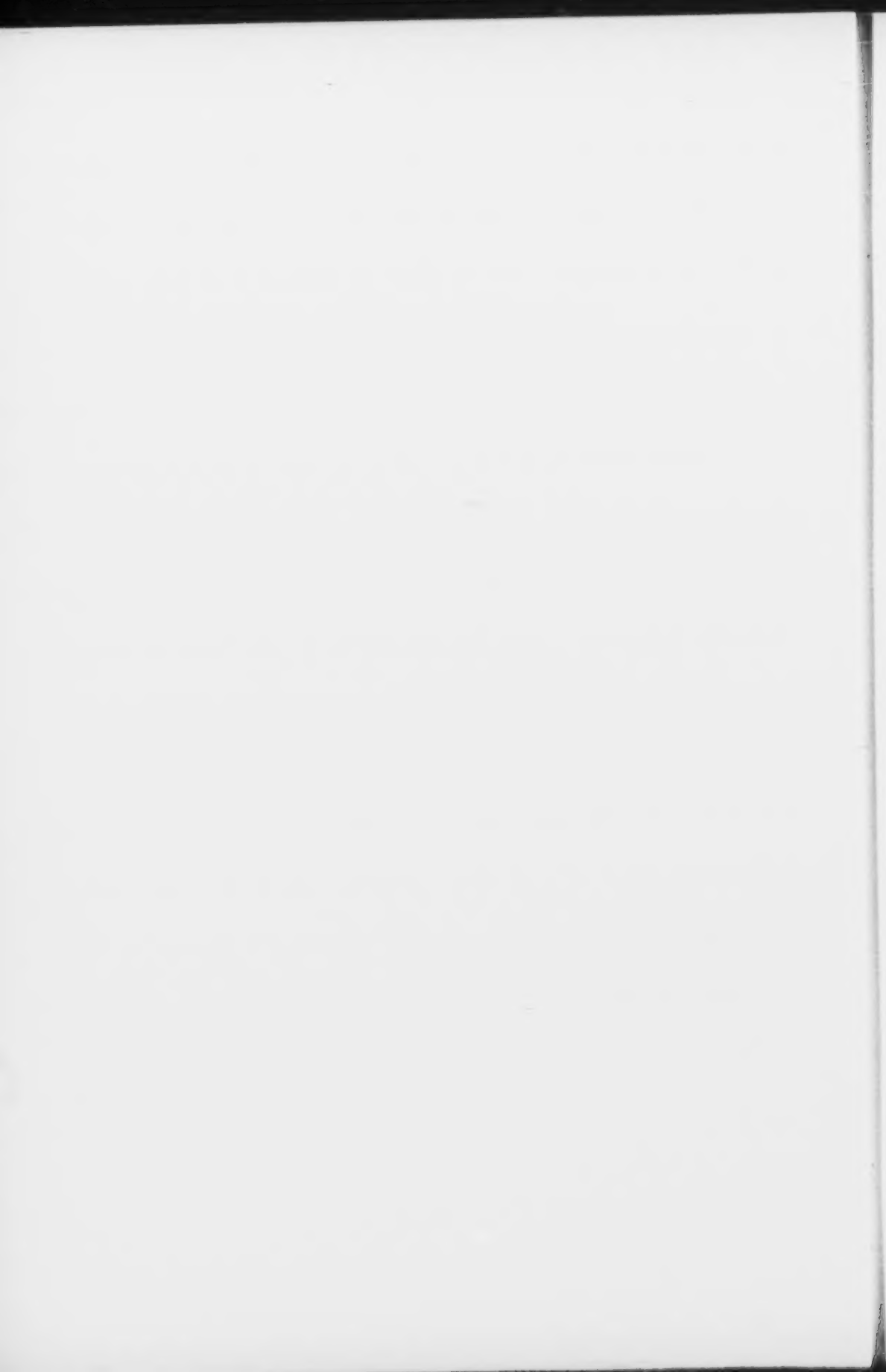
1. ON MARCH 13TH, 1990 THE SUPREME COURT OF THE STATE OF MO. ENTERED AN ORDER THAT SIMPLY STATED THAT THE APPLICATION TO TRANSFER WAS DENIED WITHOUT ANY FURTHER INVESTIGATION OR HEARING AND THIS ORDER IS IN VIOLATION OF THE SUPREME COURT OF THE UNITED STATES PREVIOUS DECISIONS WHICH ALLOWED A PRO SE TO PROCEED IN COURT. A PRO SE DOES NOT HAVE TO FOLLOW THE SAME GUIDELINES THAT THOSE WITH LAW DEGREES HAVE AND THIS HAS BEEN OUTLINED NUMEROUS TIMES IN THE DECISIONS OF THE SUPREME COURT OF THE UNITED STATES OF AMERICA.
2. THE CASE WAS FOUND FOR THE CITY OF BELTON ON JUNE 10TH, 1989 WITHOUT ANY FINDINGS OF FACT OR CONCLUSIONS OF LAW AND ALLEGEDLY CONSPIRACY WAS USED TO GAIN THE DECISION.
3. THE PLAINTIFFS RELY AS MENTIONED ON MO STATUTES SEC. 95:125 AND THE MO CONSITTUTION OF 1945 ARTICLE VI-SECTION 26(d). IN ADDITION CASES PRESENTED ARE REIS VS METROPOLITAN ST. LOUIS SEWER DISTRICT, 373-SW 2ND-22 (MO 1963) AND NICHOLS VS KANSAS CITY, 237-SW-107 (MO. 1922). THE CASES POINT OUT THAT MISREPRESENTATION OF FACT IN THE BOND



ELECTION MEANT THAT THE WHOLE CITY OF BELTON SHOULD HAVE BEEN ASSESSED SINCE THIS WAS OUTLINED ON THE BALLOT THAT BROUGHT THE BONDS TO THE CITY OF BELTON.

4. THE CITY OF BELTON DECIDED TO MAKE THEIR OWN LAWS AND VIOLATED DUE PROCESS OF LAW GUARANTEED UNDER THE 14TH AMENDMENT OF THE CONSTITUTION. SEE STATE OF MO. VS GENERAL AMERICAL LIFE - 85-SW-2ND-68 (MO 1935) STATE EX REL DALTON VS METROPOLITAN ST. LOUIS SEWER DIST., 275-SW-2ND 255, (MO1955) -- ASHLEY VS METZ, 513-SW-2ND 308 (MO. 74). DEFRAITIS VS KANSAS CITY, 521-SW-2ND 385 (MO APP. 1975)

THERE IS SPECIFIC FRAUD INVOLVED IN THAT THE CITY OF BELTON GOT THE BOND MONEY THROUGH THE BALLOT WHICH OUTLINED THAT ALL OF THE TANGIBLE PROPERTY WOULD BE ASSESSED AND THE ASSESSMENTS OF ONLY A FEW LOTS HAS CAUSED THE SEWER TAX TO BE MORE THAN THE VALUE OF THE LOTS.



**IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA  
APPLICATION FOR WRIT OF CERTIORARI THROUGH THE  
SUPREME COURT OF THE STATE OF MISSOURI**

THE SUPREME COURT OF THE STATE OF MO. HAS FAILED TO PROPERLY GO OVER THE PRESENT CASE AND HAS DENIED THE RIGHTS OF THE PLAINTIFFS TO THEIR CONSTITUTIONAL RIGHTS. THE SAID ANTHONY P. NUGENT HAS IN SOME WAY BEEN BRIBED TO SEND THIS CASE OUT WITHOUT ANY DECISION BEING REACHED BY THE THREE JUDGE PANEL SINCE HE HAS ORDERED THE CASE DISMISSED IN VIOLATIONS OF SUPREME COURT CASES OF THE UNITED STATES OF AMERICA.

THE PLAINTIFFS ARE ENTITLED TO USE THE COURT SYSTEM WITHOUT BEING SUBJECTED TO FRAUD AND PERJURY WHICH IS OBVIOUS SINCE THERE HAS BEEN NO DETERMINATION OF THE FACTS INVOLVED AND THE PRO SE IS ENTITLED TO THE COURT SYSTEM AS WELL AS THE LAW PROFESSION. THE PRO SE IS NOT ENTITLED TO BE DISMISSED WITHOUT DUE PROCESS AND THAT HAS NOT BEEN ACCOMPLISHED IN THIS CASE.

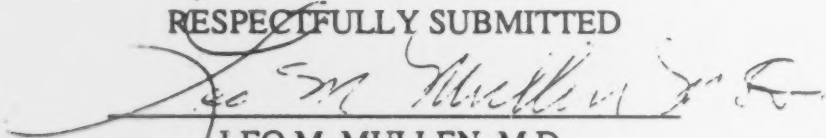
THE DEFENDANTS AND THE MANY BUYERS OF THE OF THE MORE THAN 1000 LOTS INVOLVED HAVE BEEN SUBJECTED TO GREAT LOSSES AS THE RESULT OF THIS FRAUD AND PERJURY INVOLVED. THE ACTION OF THE CASS COUNTY COURT IS WITH-



OUT PRECEDENCE AND THE ACTION OF THE CHIEF JUDGE OF THE COURT OF APPEALS, WESTERN DISTRICT WOULD SEEM TO BE OBVIOUSLY DUE TO SOME SORT OF BRIBERY AND THE SUPREME COURT OF THE STATE OF MISSOURI HAS NOT TAKEN THE APPROPRIATE ACTION TO STAMP OUT THIS FRAUD AND PERJURY.

WHEREFORE THE PLAINTIFFS REQUEST INJUNCTION AS ORIGINALLY ASKED FOR IN THE COURT SYSTEM AND THE CASE SET FOR HEARING IF NEEDED

RESPECTFULLY SUBMITTED



LEO M. MULLEN, M.D.  
4443 PASEO BLVD.  
KANSAS CITY, MO 64110  
PHONE 1-816-921-5411 AND 1-913-362-2602





IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI AT  
HARRISONVILLE

BE IT REMEMBERED, That on the 16th day of June, 1989  
of said term of said Court, among others, the following proceedings were  
had, to-wit:

Re: Leo M. Mullen, M.D. vs. City of Belton  
Case No. CV188-268CC

6-16-89 - The Court, having reviewed the stipulated facts and the  
suggestions of counsel filled herein, now makes the following rulings:

- (1) Plaintiff's request for injunctive relief is denied;
- (2) Court finds the issues in favor of defendants, and enters judgment  
in favor of defendants and against plaintiff;
- (3) Costs taxed to plaintiff.

/s/ Joseph P. Dandurand, Judge

Copy of the above docket entry  
mailed this 19th day of June, 1989,  
to:

Mr Peter J. Koppe  
922 Oak Street, 1st Floor  
Kansas City, Missouri 64106-2602  
Attorney for Plaintiff

Mr. W. James Foland  
Mr. Joseph J. Roper  
Twelve Wyandotte Plaza Bldg.  
120 West 12th Street, Suite 1700  
Kansas City, Missouri 64105  
Attorneys for Defendants

BONNIE EARL, CIRCUIT CLERK  
(SIGNED) LILA FAMULINER  
Deputy



**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**PAGE 9**

**LEO M. MULLEN, M.D., AND )  
THE CREDIT CARD CORPORATION, )**

**Appellants, )**

**vs. )**

**No. WD 42160**

**CITY OF BELTON, et al., )**

**Respondents )**

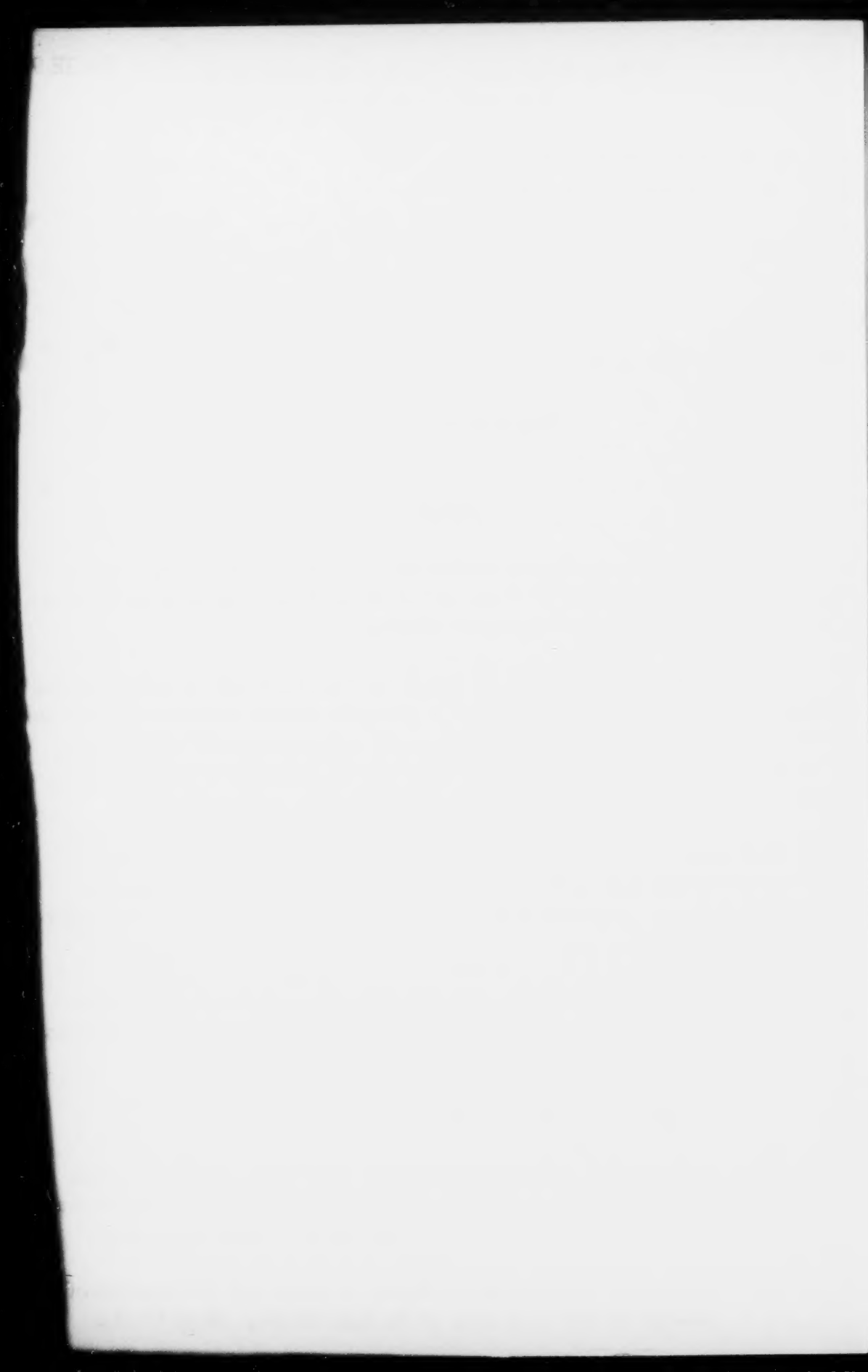
**ORDER**

A pre-submission settlement conference in the above case has been set for Tuesday, August 29, 1989, at 10:00 a.m. before the conference judge at the Missouri Court of Appeals, 1300 Oak, Kansas city, Missouri.

Attendance at the conference by counsel (or the attendance by any party who is unrepresented by counsel) is mandatory. The main purpose of the conference is to explore settlement possibilities. In furtherance of that goal, counsel will need to confer with their respective clients regarding authority to settle at a given dollar amount.

In addition to any Procedure Form required by Supreme Court Rule, the following documents shall be filed by appellant (with the exception of item no. 1 which is to be filed by respondents as well) at least seven (7) days before the conference date.

- (1) a brief statement or description of the case not to exceed one type written page. Any monetary awards shall be set forth. (Respondents should set forth their position.)
- (2) a copy of the order or judgement appealed from;
- (3) a copy of the motion for new trial, if filed, with a notation as to the issues therein to be argued on appeal, or if a motion for new trial was not filed, a listing of the issues expected to be raised on appeal;
- (4) a statement as to whether the record on appeal will be composed of the legal file and a transcript or the legal file only. (Rule 81.18);



- (5) a complete listing of all parties to the cases in the trial court and the name of the law firm, attorneys or attorney representing each of the parties in the trial court and on appeal, and all other persons, associations of persons, partnerships or corporations having a pecuniary interest in the outcome of the case.

Mail or deliver such statements and documents to the undersigned conference judge at the Missouri Court of Appeals, Western District, 1300 Oak, Kansas City, Missouri, 64106, and not to the court clerk.

At the conference, counsel should be prepared to discuss the issues and the record on appeal. Before the conference, counsel should also discuss with their clients the possibility and the advisability of settlement. Clients should be available by phone at the time of the settlement conference.

Sanctions for non-compliance with this order may include dismissal of the appeal and contempt sanctions.

If any party wished to reset the date of the conference, it is the responsibility of that party to determine another mutually agreeable date immediately. Any request for rescheduling the settlement conference should be directed to the settlement conference clerk, Lisa Mitchell, 816-474-5511, Est. 226.

Unless expressly ordered by the conference judge, times prescribed by Rules 81 through 84, for the various steps in pursuance of an appeal are not stayed by the settlement conference.

(signed) GARY A. FENNER  
Conference Judge

Dated: July 17, 1989

Copies to: Peter J. Koppe; W. James Foland; Joseph J. Roper

NOTE: This order is being mailed only to those persons indicated above. If you know of any other person to whom notice should be sent, please advise the settlement conference clerk at once.



Clerk of the Supreme Court  
State of Missouri  
Post Office Box 150  
Jefferson City, Missouri  
65102

Thomas F. Simon  
clerk

January 31, 1990

Leo M. Mullen, M.D.  
4443 Paseo Blvd.  
Kansas City, MO 64110

**In re: Mullen, et al. vs. The City of Belton, et al.**  
**W.D. No. 42160**

Dear Dr. Mullen:

The enclosed application to transfer in the above-referenced case is being returned to you herewith, unfiled, because it is not in compliance with Supreme Court Rule 83.04. You should consult with competent legal counsel. This will best ensure that all of your rights are protected.

Very truly yours,  
THOMAS F. SIMON  
(signed) Kathleen Blanton  
Deputy Clerk, Court en Banc

Enclosures

cc: Clerk, Western District Court of Appeals  
Mr. William J. Foland, Jr.





Missouri Court of Appeals  
Western District  
1300 Oak Street  
Kansas City, Mo. 64106-2970

Peggy Stevens McGraw  
Clerk-Docket Attorney

February 16, 1990

Leo Mullen  
4443 Paseo  
Kansas City, MO 64110

Mr. Mullen,

Please be advised that the Court overruled your motion for rehearing/transfer on February 9, 1990.

Melissa Class  
Deputy Clerk

cc: William Foland



In the Supreme Court of Missouri

No. 72480

W.D. No. 42160

January Session, 1990

Leo M. Mullen, M.D. and  
TheCredit Card Corporation,

Appellants,

vs. (TRANSFER)

City of Belton, et al.,

Respondents.

Now at this day, on consideration of Appellant's application to transfer the above-entitled cause from the Western District Court of Appeals, it is ordered that said application be, and the same is hereby denied.

STATE OF MISSOURI-Sct.

I, THOMAS F. SIMON, Clerk of the Supreme Court of the State of Missouri, certify that the foregoing is a full, true and complete transcript of the judgement of said Supreme Court, entered of record at the January Session thereof, 1990, and on the 13th day of March, 1990, in the above entitled cause.

Given under my hand and seal  
of said Court, at the City of Jefferson,  
this 13th day of  
March, 1990.

(signed) Thomas Luron  
clerk



# CONCLUSION

IT IS CLEAR THAT THE PLAINTIFFS HAVE PAID THEIR MONEY TO HAVE THE CASE TRIED FOR FRAUD AND PERJURY AND THIS HAS BEEN DENIED WITHOUT DUE PROCESS. THE CASE REPRESENTS CRIMINAL PROCEEDINGS WHICH MUST BE INVESTIGATED, BUT THE PLAINTIFFS HAVE NO MEANS OF INVESTIGATING THE FRAUD AND PERJURY INVOLVED. THE SUPREME COURT OF THE UNITED STATES MUST GUARD THE CONSTITUTIONAL RIGHTS OF THE PLAINTIFFS SO THAT JUSTICE CAN BE SERVED IN THIS CASE.

## PARTIES TO THE PROCEEDINGS AND CERTIFICATE OF SERVICE

### THE PARTIES ARE:

1. CASS COUNTY CIRCUIT COURT
2. THE MISSOURI COURT OF APPEALS WESTERN DISTRICT
3. THE SUPREME COURT OF THE STATE OF MO, JEFFERSON CITY, MO.
4. THE LAW FIRM OF SHUGHART, THOMPSON, KILROY-JAMES FOLAND, JR. ATTY.

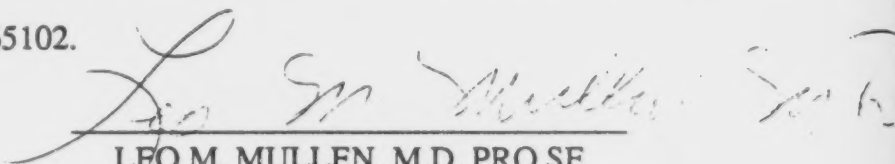
### CERTIFICATION OF SERVICE

COPIES PREPAID TO ALL PARTIES ABOVE ON THIS <sup>11th</sup> 1ST DAY OF JUNE, 1990 WITH 41 COPIES TO THE SUPREME COURT OF THE UNITED STATES OF AMERICA IN WASHINGTON, D.C.

(cont'd)



COPIES TO THE LAW FIRM OF SHUGHART, THOMPSON, KILROY,  
ET AL, 120 W. 12TH ST. KANSAS CITY, MO 64105, TO CASS COUNTY  
COURT HARRISONVILLE, MO, TO W.D. OF MO. 1300 OAK ST. 64106,  
AND THE SUPREME COURT OF MISSOURI, BOX 150 JEFFERSON  
CITY, MO, 65102.

A handwritten signature in cursive script, appearing to read "Leo M. Mullen", is written over a horizontal line.

LEO M. MULLEN, M.D. PRO SE

4443 PASEO BLVD.

KANSAS CITY, MO 64110

PHONE 1-816-921-5411

AND

1-913-362-2602